

Sexual Assault Victims' Rights Amendment Act Task Force Proposed Complaint Process

The following represents the proposed complaint process, as developed by the Sexual Assault Victims' Rights Amendment Act (SAVRAA) Task Force.

During the course of discussions on this process, the Task Force deliberated on a number of issues:

- (1) What body or entity is most appropriate to hear complaints from victims and survivors about their treatment during the sexual assault process? What is the level of expertise required for members of this board or entity?
 - (2) What level of transparency is most appropriate for complaints of this nature? What is possible for victims and survivors to know about the resolution of the complaint? What is possible and appropriate for the public to know about the complaints?
 - (3) How will this process interact with the employment relationships and/or the employment contracts that an employee has with their employer?
 - (4) What process do victims and survivors want?
 - (5) How can we make the process most accessible for marginalized and/or underserved communities?
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General Information

- (1) We want to ensure that victims and survivors of sexual assault are able to provide feedback about the process, the system, and the individuals serving them without it being a "complaint". Thus, we are changing the terminology from "complaint" to "feedback" to reflect the desire that the process be inclusive of all feedback from victims and survivors of sexual assault, both positive and negative.
- (2) This feedback process will be available to any victim or survivor of sexual assault, age 13 and over. For the purposes of this feedback process, sexual assault is defined by the victim or survivor and is open to any victim or survivor who defines their experience as sexual assault. For victims who are under the age of 18, a parent or guardian may submit a Sexual Assault Response Feedback (SARF) Form on behalf of the minor. However, nothing in this recommended policy shall be construed to limit the ability of a minor from submitting a SARF Form on their own behalf.

- (3) This process is available to victims and survivors who choose to remain anonymous or submit a SARF Form through an attorney or advocate acting on their behalf.
- (4) The feedback process will be managed by the District of Columbia Sexual Assault Response Team (DC SART), as it is statutorily established. The DC SART shall establish a Feedback Review Committee to process feedback, respond to feedback, and make recommendations to the DC SART on system change based on the feedback received.
 - *This is an area of proposed legislative change. The Task Force recommends that the DC Council amend the existing legislation to include a Feedback Review Committee (hereinafter “Committee”) in the DC SART and provide that Committee with the authority to review and respond to feedback received through this process. The Task Force recommends that this legislation shall include the authority of this Committee to hold members of the SART accountable to the decisions of the Committee.*
- (5) Victims and survivors of any crime that has a sexual element will be provided a standard brochure at the point of system entry. This brochure will be developed by the DC SART and will be distributed to all organizations and agencies that may serve as a point of entry into the sexual assault response system.
 - *This is an area of proposed legislative change. The Task Force recommends that the DC Council amend the existing SAVRAA legislation to make distribution of the brochure mandatory by the Metropolitan Police Department Sexual Assault Unit, members of the DC SANE program, and any other member of the SART that may have contact with a sexual assault victim.*
- (6) The brochure shall include a detailed description of the sexual assault response process, the victim's and survivor's rights as a victim or survivor in the process, and the victim's and survivor's right to provide feedback to the system through the Feedback Process.



Process of Submitting and Reviewing Feedback

- (7) Sexual Assault Response Feedback (SARF) Forms will be available on the Internet (at DC OVS, DC SART, UASK DC, ASK DC, the individual websites of all DC SART members, and the individual websites of DC VAN members), through SmartPhone applications (UASK DC and ASK DC), as well as in paper format. The Feedback Form will be translated into the following languages: English, Spanish, French, Amharic, Mandarin, Vietnamese, and Korean. Community-based organizations may request translation of the Feedback Form, free of charge, through the Emergency and Victim Services Interpreter Bank, in any language.
- (8) All SARF Forms will be sent directly (either electronically or by mail) to the DC SART Coordinator (Coordinator) at the DC Office of Victim Services and Justice Grants. Victims or their representatives also have the ability to drop off the SARF form, in-person, at the OVS offices (441 4th Street, NW, Ste. 727N) or at any of the following locations:

- DC Office of Asian Pacific Islander Affairs, 441 4th Street, NW, Ste. 721N, Washington, DC

- DC Office of Lesbian, Gay, Bisexual, and Transgender Affairs, 2000 14th Street, NW, 2nd Floor, Washington, DC
 - DC Office of Latino Affairs, 2000 14th Street, NW, 2nd Floor, Washington, DC
 - DC Office of African Affairs, 2000 14th Street, NW, Ste. 401, Washington, DC
 - Metropolitan Police Department, 7th District Station, 2455 Alabama Avenue, SE, Washington, DC
 - Metropolitan Police Department, 5th District Station, 1805 Bladensburg Road, NE, Washington, DC
 - Metropolitan Police Department, 1st District Station, 101 M Street, SW, Washington, DC
- (9) Receiving the form means that the DC SART Coordinator receives an email at his or her DC government email with the SARF Form attached, receives a fax at the OVSJG offices with a SARF phone, answers a phone call from a victim or survivor that dictates his or her complaint, or physically retrieves the SARF Form from a dropbox location or from someone who walks in to OVSJG. Within three (3) business days of receiving the completed SARF Form, the DC SART Coordinator will:
- (a) Log the completed SARF Form into a SARF Review Log;
 - (b) Forward the completed SARF Form to the DC SART Chairperson and the Chair of the DC SART Feedback Review Committee; and
 - (c) Notify the victim or survivor or the victim's or survivor's representative that the SARF Form has been received through the methods of contact noted on the SARF Form.
- (10) If the DC SART Coordinator receives a SARF Feedback Form that is not complete enough to move forward with review, the DC SART Coordinator shall:
- (a) Log the SARF Form into the SARF Review Log, marking it as "incomplete"; and
 - (b) Make no less than (3) attempts to contact the victim or survivor named on the SARF Form for additional information to complete the SARF Form. The attempts to contact the victim or survivor should be made at different times of the day on three different days of the week. If the DC SART

Coordinator cannot reach the victim, the DC SART Coordinator shall document the three attempts at communication, mark the SARF Form as “Incomplete” in the SARF Review Log, and close the review.

- (11) If the DC SART Coordinator receives a SARF Form that is written in a language other than English, the DC SART Coordinator shall:
 - (a) Log the SARF Form into the SARF Review Log, marking it as “needs translation”;
 - (b) Forward the SARF Form to the Emergency and Victim Services Interpreter Bank Coordinator within one (1) business day of receiving the SARF Form;
 - (c) Forward the SARF Form to the DC SART Chairperson and the Chair of the DC SART Feedback Review Committee, noting the date that the SARF Form was sent for translation; and
 - (d) Notify the victim or survivor, or the victim’s or survivor’s representative, that the SARF Form has been received and was sent for translation.
- (12) The DC SART Coordinator should make every effort to have the SARF Form translated within fourteen (14) business days of the date that the SARF Form was received by the DC SART Coordinator. If the DC SART Coordinator finds that the translation will take more than fourteen (14) business days, the DC SART Coordinator shall notify the Committee Chairperson and the victim or survivor, or the victim’s or survivor’s representative, of the delay. Notice of progress shall be provided to both the Feedback Committee Chairperson and the victim or survivor by the DC SART Coordinator each week until the SARF Form is received back from the Emergency and Victim Services Interpreter Bank.
- (13) Within one (1) business day of receiving the translated SARF Form from the Emergency and Victim Services Interpreter Bank, the DC SART Coordinator shall:
 - (a) Forward the translated SARF Form to the Chair of the DC SART and the Chair of the Feedback Review Committee; and
 - (b) Notify the victim or survivor, or the victim’s or survivor’s, representative that the translated SARF Form has been submitted to the DC SART.

- (14) If the named agency, organization, or person is a member of the DC SART, within three (3) business days of receiving a SARF Form from the DC SART Coordinator, the Chair of the DC SART Feedback Review Committee shall:
- (a) Forward the completed SARF Form to the Director of the agency or organization that is named by the victim or survivor;
 - (b) Forward the completed SARF Form to the DC SART point of contact for the agency or organization that is named by the victim or survivor;
 - (c) Forward the completed SARF Form to the Chair of the Board of Directors, if the organization named by the victim is a non-profit organization;
 - (d) Set the issue for discussion on the agenda of the next DC SART Feedback Review Committee meeting; and
 - (e) Note the date that the SARF Form was forwarded on the SARF Review Log.
- (15) If the completed SARF Form references a problem with an agency, organization, or individual that is employed by an agency or organization that is not a member of the DC SART, within three (3) business days, the Chair of the DC SART Feedback Review Subcommittee shall:
- (a) Forward the completed SARF Form to the Director of the agency or organization that is named by the victim or survivor;
 - (b) Identify a member of the DC SART that can act as a subject matter liaison for the identified agency or organization. For example, if a college or university other than the college or university that holds a seat on the DC SART, the Chair of the DC SART Feedback Review Committee shall appoint the college or university representative to act as a subject matter liaison during the review process. If the victim or survivor is alleging cultural insensitivity or incompetency, the Feedback Review Committee shall appoint a representative from a culturally-specific organization or agency to act as a subject matter liaison during the review process. The purpose of the subject matter liaison is to assist the DC SART in understanding the statutory authority, regulations, and best practices related to the organization or agency named in the SARF Form. The Chair of the Feedback Review Committee may request subject matter assistance from an entity outside of the District of Columbia, if that is warranted by the nature of the complaint;

- (c) Forward the completed SARF Form to the identified subject matter liaison on the DC SART;
 - (d) Set the issue for discussion on the agenda of the next DC SART Feedback Review meeting; and
 - (e) Note the date that the SARF Form was forwarded on the SARF Review Log.
- (16) Within three (3) business days of receiving a completed SARF Form from the Chair of the Feedback Review Subcommittee, the Agency or Organization Director or DC SART point of contact shall:
 - (a) Open an investigation or inquiry of the incident reported; and
 - (b) Note the date of that the investigation or inquiry was opened on the SARF Review Log.
- (17) After receiving the completed Feedback Form, the Director of the agency or organization has thirty (30) business days to complete an investigation of the incident reported.
- (18) Upon concluding the investigation of the incident reported on the Feedback Form, the Director of the agency or organization shall:
 - (a) Provide a written response to the Chair of the DC SART Feedback Review Committee; and
 - (b) Note the date that the response was provided on the SARF Review Log.
- (19) If the completed SARF Form references a systemic or continuum problem, the written response required from the agency or organization named or implicated in the SARF Form shall include:
 - (a) A comprehensive description of the incident identified in the SARF Form;
 - (b) The problem, or in cases where the SARF Form indicated a positive experience, the best practice identified by the investigation or inquiry of the Director or DC SART point of contact; and

- (c) The proposal of the agency or organization for remedying the problem or systematizing the best practice identified in the SARF Form.
- (20) If the completed SARF Form references a problem with an individual that is employed by an agency or organization, the Director of the agency or organization implicated on the SARF Form, or the DC SART point of contact, shall:
- (a) Provide a comprehensive description of the incident identified in the SARF Form;
 - (b) Identify the problem, or in cases where the SARF Form indicated a positive experience, the best practice identified by the investigation or inquiry of the Director; and
 - (c) The proposal of the agency or organization for remedying the problem or systematizing the best practice identified in the SARF Form. Where a collective bargaining or employment agreement is implicated, the written response of the agency or organization shall include as much information as allowable by the employment contract between the agency or organization and the employee.
- (21) Once the written response of the implicated or named agency or organization is received by the Chair of the DC SART Feedback Review Committee, the Chair shall:
- (a) Set the response for discussion at a DC SART Feedback Review Committee no more than sixty (60) calendar days after the response is received by the Committee Chair;
 - (b) Forward the response to the DC SART Coordinator;
 - (c) Forward the response to the members of the DC SART Feedback Review Committee;
 - (d) If necessary, identify subject matter experts that are required to conduct an independent review of the response; and
 - (e) Note the date of the proposed review on the SARF Review Log.

- (22) After receipt of the written response by the implicated agency or organization, the DC SART Feedback Review Committee shall meet to review the written response within thirty (60) calendar days.
- (23) The DC SART Feedback Review Committee shall:
- (a) Review the written response for sufficiency;
 - (b) If appropriate and allowable by collective bargaining or human resources procedures of the agency or organization, prepare a written complaint on behalf of the DC SART to the implicated employee's professional licensing or credentialing organization;
 - (c) If appropriate and allowable by collective bargaining or human resources procedures of the agency or organization, prepare a written letter of commendation or complaint on behalf of the DC SART for enclosure in the implicated employee's permanent personnel file;
 - (d) Redact the response, as necessary, to prepare the response for the publication on the DC SART website;
 - (f) Redact the response, as necessary, to prepare the response for a reply to the victim or survivor who completed the SARF Form;
 - (g) Contact the victim or survivor, or the victim's or survivor's representative (if requested) to notify the victim or survivor, or the victim's or survivor's representative, that the SARF Form and response will be made public. No less than three good faith efforts to contact the victim or survivor, or the victim's or survivor's representative, shall be made by the methods of contact specified by the victim or survivor when he or she completed the SARF Form; and
 - (f) Note the date that these actions were taken and a summary of these actions on the SARF Review Log.
- (24) If the DC SART Feedback Review Committee determines that the written response of the agency or organization is not sufficient, the Feedback Review Committee shall:
- (a) Forward the written response of the agency or organization, as well as a statement detailing the Committee's concern regarding the sufficiency of the document, to the Chair of the DC SART;

- (b) Provide notice to the Director of the agency or organization and the Chair of the organization's Board of Directors, if the organization is a non-profit organization, that the response has been determined to be insufficient, and detail the reasons for the insufficiency;
 - (c) Request that the DC SART review the SARF Form, the written response of the agency or organization, and make recommendations for further action; and
 - (d) Note the date that the package was forwarded to the full DC SART on the SARF Review Log.
- (25) If a SARF Form is sent to the DC SART for further review, the DC SART may:
 - (a) Make a second request to the implicated organization to review the SARF Form and prepare a sufficient response;
 - (b) Draft a response to the agency or organization that details the reasons for the insufficiency that will be made available to the victim and to the public;
 - (c) Employ any other remedy that the DC SART deems reasonable under the circumstances, including requesting that the agency or organization discontinue participation in the DC SART until recommended changes are made to the agency's or organization's policies and procedures sufficient to resolve the problem outlined in the SARF Form.
- (26) If the DC SART is unable to reach a determination of sufficiency within ninety calendar (90) days from the date that the full DC SART received the issue from the Feedback Review Subcommittee, the Committee Chairperson shall determine the issue "Closed and Unresolved".
- (27) Within three (3) business days of the DC SART Feedback Review Committee determining that a SARF Form is closed, the Committee Coordinator shall:
 - (a) Provide a copy of the SARF Form, the redacted written response of the implicated agency or organization, and a closing letter to the victim or survivor, or the victim's or survivor's representative. If the SARF Form was sent to the full DC SART for further review, documents detailing the deliberation of the DC SART shall be included with the response to the victim; and

- (b) If the complaint was FOUNDED, post a redacted version of the SARF Form and the written response of the agency or organization implicated on the DC SART website. All information that could reasonably identify a victim shall be removed from the document before it becomes public. Information posted shall include the date that the SARF Form was filed, the agency or organization about whom the SARF Form was filed, a brief description of the incident or concern documented on the SARF Form, the outcome of the investigation or inquiry, and the date when the investigation or inquiry was closed.